

ORDINANCE NO. 10-74

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A MONUMENT SIGN ON COMMERCIAL PROPERTY WITH A HEIGHT OF 8 FEET, WHERE A MAXIMUM HEIGHT OF 4 FEET IS ALLOWED, ALLOW THE MONUMENT SIGN WITHIN 125 FEET FROM PROPERTY ZONED RESIDENTIAL, WHERE A MINIMUM 300 FEET IS REQUIRED, AND ALLOW AN LED READER-BOARD ON THE MONUMENT SIGN OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, CONTRA TO HIALEAH CODE §§ 74-149 (b), 74-149 (e), AND 74-216 (4). **PROPERTY LOCATED AT 740-770 EAST 9 STREET AND 890 EAST 8 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of November 10, 2010, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a monument sign on property zoned commercial with a height of 8 feet, where a maximum height of 4 feet is allowed, allow the monument sign within 125 feet from property zoned residential, where a minimum distance of 300 feet is required, and allow an LED reader-board on the monument sign outside the geographic area where LED signs are allowed, contra to Hialeah Code §§ 74-149 (b), 74-149 (e), and 74-216 (4), which

provide in pertinent part: “*Geographic area.* The LED regulations are limited to a geographic area comprising of three distinct areas: (1) properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2) properties fronting West 16 Avenue, from Okeechobee Road to West 49 Street; and (3) properties fronting Okeechobee Road, on the northern side, from West 16 Avenue to West 20 Avenue.”, “*Distance from residential-zoned properties.* An LED sign shall be placed at a distance no less than a 300-foot radius from the property lines of a residential-zoned property.”, and “*Monument signs.* Monument signs shall comply with the requirements set forth in subsection 74-218(2), except that...the maximum height shall be four feet from the street grade to the top of the sign structure...”, respectively. Property located at 740-770 East 9 Street and 890 East 8 Avenue, Hialeah, Miami-Dade County, Florida, zoned C-2 and C-3 (Liberal Retail Commercial District and Extended Liberal Commercial District), and legally described as follows:

LOT 5 LESS THE WEST 175 FEET THEREOF, IN BLOCK 38, OF SECTION FIVE SUN-TAN VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

LOTS 5, 6, 7, AND 8, IN BLOCK 2, OF MARJOHN PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 97, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THE WEST 175 FEET OF LOT 5, IN BLOCK 38, OF SECTION FIVE SUN-TAN VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE 12, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

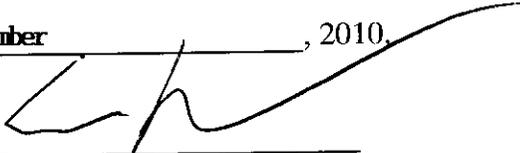
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 14th day of December, 2010.

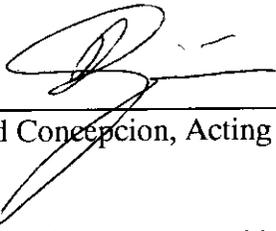
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



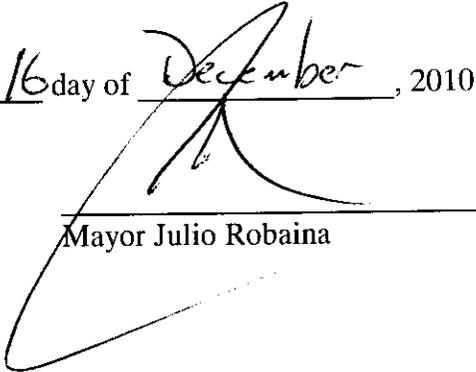
Carlos Hernandez
Council President

Attest:

Approved on this 16 day of December, 2010.



David Concepcion, Acting City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Gonzalez, Hernandez and Yedra voting "Yes", Councilmember Garcia-Martinez absent.